JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
NOELLE D. JOHNSON

DEFENDANTS
SCOTT & ASSOCIATES, PC

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant DENTON
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
LAW OFFICES MICHAEL P. FORBES, PC 200 EAGLE ROAD, SUITE 50, WAYNE, PA 19087
610-293-9399

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
15 O.S.C. SECTION 1692-1692P

Brief description of cause:
VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE
03/06/2017

SIGNATURE OF ATTORNEY OF RECORD
[signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2915 W. LEHIGH AVENUE, PHILADELPHIA, PA 19132

Address of Defendant: 1120 METROCREST DRIVE, SUITE 100, CARROLLTON, TX 75006

Place of Accident, Incident or Transaction: ____________________

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☒

Does this case involve multidistrict litigation possibilities? Yes☐ No☒

RELATED CASE, IF ANY:

Case Number: ____________ Judge ____________ Date Terminated: ____________

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
   Yes☐ No☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
   Yes☐ No☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
   Yes☐ No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐x All other Federal Question Cases
    (Please specify) FDCPA 15 U.S.C Section 1692

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
   (Please specify) ____________

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Michael P Forbes, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: March 6, 2017 [signature] Attorney-at-Law 55767 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: March 6, 2017 [signature] Attorney-at-Law 55767 Attorney I.D.#

CIV. 609 (5/2012)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

NOELLE D JOHNSON	:	CIVIL ACTION
v.	:	
SCOTT & ASSOCIATES and MIDLAND FUNDING, LLC.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

March 6, 2017		PLAINTIFF
Date	**Attorney-at-law**	**Attorney for**
610-293-9399	610-293-9388	michael@mforbeslaw.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
COURT FILE NO: CV-

NOELLE D JOHNSON Plaintiff	)	
v.	)	**COMPLAINT**
SCOTT & ASSOCIATES, PC and **MIDLAND FUNDING LLC** Defendants	)	**JURY TRIAL DEMANDED**

COMPLAINT

I. JURISDICTION AND VENUE

1. Jurisdiction of this Court arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. section 1692 *et seq* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, false, deceptive, misleading and unfair practices.

2. Venue is proper in this District because Defendants transact business within this District, the acts and transactions occurred in this District, and Plaintiff resides in this District.

II. PARTIES

3. Plaintiff NOELLE D. JOHNSON ("Plaintiff") is a natural person residing in Philadelphia, Pa 19132. Because Plaintiff is allegedly obligated to pay a debt that is the subject of this case that was primarily used for family, personal or household purposes, namely, a credit card, she is a consumer within the meaning of FDCPA, 15 U.S.C. § 1692a(3).

4. Defendant SCOTT & ASSOCIATES PC ("SCOTT") is upon information and belief, a professional corporation located at 1120 Metrocrest Drive, Suite 100, Carrollton, TX 75006. and, at all times relevant herein, operated as a collection agency, and is a "debt collector" as the term

is defined by 15 U.S.C. § 1692a(6) and acted by and through its owners, managers, officers, shareholders, authorized representatives, partners, employees, agents, attorneys and/or workmen.

5. Defendant Midland Funding, LLC ("Midland") is a limited liability corporation whose address is listed as 8875 Aero Dr., Suite 200, San Diego, California 92123 and, at all times relevant herein, is in the business of purchasing consumer credit card debts which are allegedly in default and operated as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6) and acted by and through its owners, managers, officer, shareholders, authorized representatives, Scott, attorneys, partners, employees, agents and/or workmen.

6. At all times material and relevant hereto, Defendants are jointly, severally, individually, vicariously and/or equitably liable to Plaintiff.

7. Defendants, at all times relevant hereto, are persons who used an instrumentality of interstate commerce or the mails in a business the principal purpose of which was the collection of debts, who regularly collected or attempted to collect, directly or indirectly, debts owed or due asserted to be owed or due another, and/or who, in the process of collecting its own debts, used a name other than its own which would indicate that a third person was collecting or attempting to collect such debts.

III. FACTUAL ALLEGATIONS

June 27, 2016 Letter

8. In a letter dated June 27, 2016, Scott sent a form collection letter to Plaintiff stating that "This law firm represents Midland Funding, LLC in connection with the above-stated judgment". This is the first communication from Defendants to Plaintiff. A copy of the letter is attached hereto as Exhibit "A".

9. The June 27 letter further stated:

"As you know, Midland Funding, LLC obtained JUDGMENT against you.

The current balance is $1,908.09.

10. The letter further states, "What you may not realize is that Midland Funding, LLC can continue to renew this judgment."

11. The letter further stated that: "At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance."

12. The collection letter was on the letterhead of "SCOTT & ASSOCIATES PC".

13. Defendants' June 27, 2016 collection letter implies that a lawyer has reviewed the file, made the appropriate inquiry, and has exercised professional judgment in the sending of the collection letter, however, according to the letter, there was no such involvement.

14. The June 27 letter falsely implies that the collection of the account has been escalated by the hiring of a law firm to take steps to collect the account.

15. Although, the letter is on attorney letterhead, the attorney is really acting in its capacity as a debt collector and not as an attorney, although, Plaintiff, the least sophisticated consumer would have no understanding of this fact.

16. The wording, "At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance." is confusing, and does not ameliorate the effect of the collection letter sent on attorney letterhead. The remark merely confirms the requisite attorney involvement was lacking.

17. The wording "What you may not realize is that Midland Funding, LLC can continue to renew this judgment." is confusing and misleading in that the words "renew

this judgment" imply that the judgment could be entered multiple times.

18. In Pennsylvania, there is no such procedure or rule allowing for "renewal" of a judgment.

19. At the time the letter was sent, Plaintiff was not aware of any judgment entered against her by Midland.

20. Plaintiff responded to the June 27 letter by sending a dispute letter to Defendant Scott. Plaintiff has not retained a copy of the dispute letter.

21. As a direct and proximate result of Defendants' June 27 letter, Plaintiff became upset, fearful and confused by the language of the letter in that it is on attorney letterhead yet gives the caveat that there is no attorney involvement, that the judgment can be renewed and gives the impression that imminent, legal action will be taken if Plaintiff does not contact Scott.

July 26, 2016 letter

22. On or about July 28, 2016, Plaintiff received a letter dated July 26, 2016 from Scott responding to her dispute letter in which Scott, inter alia, claimed to have determined that Plaintiff "is the debtor in the Columbus Bank and Trust Account; (b) that the debt described remains due and owing, and; (c) that the amounts set forth in our previous communication reflects the balance of the obligation after all payments, credits and offsets have been applied". Defendant Scott's letter also stated it attached related documents which it categorized as a Transaction History showing various transactions which were allegedly made on Plaintiff's account. A copy of the letter (without the transaction history is attached hereto as Exhibit "B".

The Judgment

23. After receiving Defendants' July 28, 2016 letter, Plaintiff discovered that there was a judgment entered against her in favor of Midland on September 2, 2008.

24. On September 8, 2016, Plaintiff travelled to the Philadelphia Municipal Court ("MC Court") and filed a Petition to Open the Judgment requesting, inter alia, that she be granted a new hearing in order to present her case to the MC Court.

25. On September 9, 2016, the Court issued a Rule to Show Cause why the relief requested by Plaintiff should not be granted.

26. On September 13, 2016, The Court issued a notice to all parties, including Defendant Midland's attorney of record, Amy F. Doyle, Esquire, that a hearing was scheduled for September 28, 2016 on Plaintiff's Petition to Open Judgment.

27. On September 28, 2016, the hearing was continued to October 17, 2016. Notices were sent by the Court to Plaintiff and Ms. Doyle. A true and correct copy of the September 28, 2016 notice is attached hereto as Exhibit "C".

28. On October 17, 2016, Michael B. Volk, Esquire entered his appearance on behalf of Midland in substitution of Midland's previous counsel, Amy F. Doyle, Esquire.

October 17, 2016 Order to Vacate Judgment and enter Judgment in favor of Plaintiff

29. On October 17, 2016, an Order was entered whereby Midland's Judgment was vacated and Judgment was entered for Plaintiff on the underlying case. A true and correct copy of the October 17, 2016 Order is attached hereto as Exhibit "D".

January 9, 2017 letter

30. On or about January 9, 2017, Plaintiff received another collection letter, dated January 4, 2017 from Scott. A true and correct copy of the January 4, 2017 letter is attached hereto as Exhibit "E".

31. The January 4, 2017 letter stated, inter alia, "Midland Funding, LLC obtained a JUDGMENT against you".

32. The file number on the January 4, 2017 letter was the same as that on the previous two letters from Scott.

33. The "Judgment Balance" on the January 4, 2017 letter is approximately the same amount as the original letter but with interest added to the balance.

34. The January 4, 2017 letter further advised Plaintiff that "State law allows Midland Funding LLC to File a lien on your real property", Conduct Post-Judgment Discovery" and "Ask the court to *attach money in your bank and/or savings account and to order the bank* to pay it to Midland Funding LLC".

35. On or about January 11, 2017, Plaintiff responded to Defendants' January 4 letter by sending a letter to Scott informing Defendants that there was no judgment against her, that she did not owe any money on the account and asked that Defendants stop contacting her. A true and correct copy of Plaintiff's January 11, 2017 letter is attached hereto as Exhibit "F".

36. Defendants' January 4, 2017 letter is false, misleading and deceptive in that there was no judgment against Plaintiff and Plaintiff did not owe any money to Defendants.

37. The FDCPA prohibits debt collectors from using any false, deceptive or misleading representations or means in connection with the collection of any debt. 15 U.S.C. section 1692e.

38. Defendants knew or should have known that their actions, as aforestated, violated the FDCPA and Defendants could have taken the appropriate actions to comply with the applicable law but failed and neglected to do same and failed to adequately review their actions to insure compliance with said law

39. Defendants did not maintain reasonable procedures to prevent the aforesaid actions or failed to make a meaningful review of the account prior to sending the collection letter.

40. At all times relevant hereto, the conduct of Defendants, as well as that of their agents, servants and/or employees, was intentional, willful, reckless, negligent and in wanton disregard for state and federal law and the rights of the Plaintiff herein.

41. Defendants' actions as aforesaid are material, fraudulent and deceptive under the FDCPA and were intended to mislead the least sophisticated consumer and place Plaintiff in fear of future risk or harm.

42. As a direct and proximate result of Defendants' January 4 letter, Plaintiff became annoyed and upset and had to take time and expend sums of money to for postage to dispute the letter.

43. By continuing collection efforts as afore-stated, via the January 4, 2017 letter, Defendants invaded Plaintiff's privacy, caused her annoyance, anger, inconvenience, waste of time and fear of future harm.

44. As a direct and proximate result of Defendants continued misrepresentations and attempts to collect monies not due them, Defendants' actions constitute an impending threat and risk of harm in the form of both economic and informational injury to Plaintiff.

45. Defendants could have taken steps necessary to bring its actions within compliance with the FDCPA but failed to do so.

IV. CAUSES OF ACTION

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. section 1692, et seq.

46. Plaintiff incorporates her allegations of paragraphs 1 through 45 as though set forth at length herein.

47. Defendants' actions as aforestated are false, deceptive, material and misleading to

Plaintiff as follows:

(a) Defendants violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person;

(b) Defendants violated 15 U.S.C. § 1692e by making false, deceptive, or misleading representation or means in connection with the debt collection;

(c) Defendants violated 15 U.S.C. § 1692e(2) by making false, deceptive, or misleading representation regarding the legal status of the debt;

(d) Defendants violated 15 U.S.C. § 1692e(5) threatening to take legal action it did not intend to take;

(e) Defendants violated 15 U.S.C. § 1692e(10) by using false and deceptive means to collect a debt;

(f) Defendants violated 15 U.S.C. § 1692f by using unfair and unconscionable means to attempt to collect Plaintiff's alleged debt;

(g) Defendants violated 15 U.S.C. § 1692g by sending collection notices to Plaintiff which fails to effectively provide Plaintiff with the Validation Rights Notice.

48. As a direct and proximate result of Defendants' illegal collection efforts and communications, Plaintiff has suffered confusion, mental anguish, emotional distress, anger, anxiety, frustration, fear, embarrassment, and humiliation.

49. Plaintiff has been seriously damaged by Defendants' violations of the FDCPA and is entitled to actual damages, compensatory damages, costs and attorneys' fees.

50. As a result of the foregoing violations of the FDCPA, Defendants are liable to Plaintiff for actual damages, statutory damages, attorneys' fees and costs in accordance with 15 U.S.C. § 1692k.

CLAIMS FOR RELIEF

51. Plaintiff incorporates her allegations of paragraphs 1 through 50 as though set forth at length herein.

52. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692, et seq.

53. As a result of each of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. §1692k(a)(1); statutory damages in amount up to $1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Noelle D. Johnson, prays that judgment be entered against Defendants, individually, severally and jointly, for the following:

(1) Actual damages;

(2) Statutory damages each in the amount of $1,000.00;

(3) Reasonable attorneys' fees and costs;

(4) Declaratory judgment that the Defendants conduct violated the FDCPA;

(5) Such other and further relief that the Court deems just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby respectfully demand a trial by jury.

Respectfully submitted,

Law Office of Michael P. Forbes, P.C.
By: Michael P. Forbes, Esquire
Attorney for Plaintiff
Attorney I.D. #55767
200 Eagle Road
Suite 50
Wayne, PA 19087
(610) 293-9399
(610)293-9388 (Fax)
michael@mforbeslaw.com

EXHIBIT A

SCOTT & ASSOCIATES PC

Alabama • Mississippi • South Carolina • Tennessee • Texas • Virginia

ATTORNEYS AT LAW

Mailing Address:
PO Box 115220
Carrollton, Texas 75011-5220

Home Office:
1120 Metrocrest Dr., Suite 100
Carrollton, Texas 75006-5862

Toll Free: (800) 570-3499
Hours of Operation (CST)
Monday-Friday: 8:00AM-6:00PM
helpdesk@spalaw.com

June 27, 2016

Re:	Judgment Owed To:	Midland Funding LLC
	Current Balance:	$1,908.09
	Our Account Number:	MCM[redacted]

Dear Ms. Johnson,

This law firm represents Midland Funding LLC in connection with the above-stated judgment. As you know, Midland Funding LLC obtained a **JUDGMENT** against you. The current balance is $1,908.09. What you may not realize is that Midland Funding LLC can continue to renew this judgment.

If you cannot pay the full amount, you will need to call our office to make suitable payment arrangements. At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance due.

Please call us at your earliest opportunity so that we can resolve this matter. Our number is **(800) 570-3499.**

Sincerely,

Scott & Associates, P.C.

* This law firm is a debt collector and this is an attempt to collect a debt. Any information obtained from you will be used by this law firm for that purpose. Unless you dispute the validity of the debt, or any portion thereof, within thirty days after you receive this letter, we will assume that the debt is valid. If, within this thirty-day period, you notify this law firm that the debt, or any portion thereof, is disputed, the firm will obtain verification of the debt or a copy of a judgment, and a copy of such verification or judgment will be mailed to you by the firm. If, within this same thirty-day period, you make a written request that the firm provide to you the name and address of the original creditor, if different from the current creditor, the firm will also do so.

PAYMENT COUPON

CCSMJSP01DML-101_169904240

* * * Please Detach the Lower Portion and Return with your Payment in the Enclosed Envelope * * *

PO Box 115220
Carrollton TX 75011-5220

ADDRESS SERVICE REQUESTED

June 27, 2016

Noelle D Johnson
2915 W Lehigh Ave
Philadelphia PA 19132-1811

Our File No.: MCM-[redacted]

__ I am enclosing $1,908.09 to settle this Judgment
__ I will pay $159.01 per month towards this Judgment and my first payment is enclosed.
__ I would like to be contacted about this Judgment
My Phone Number is: (   ) ____________

Please make your check payable to:
Michael J Scott, P.C. -- IOLTA Account

Scott & Associates, PC
Attorneys at Law
PO Box 113297
Carrollton TX 75011-3297

A

EXHIBIT B

SCOTT & ASSOCIATES, PC
Alabama · Mississippi · South Carolina · Tennessee · Texas · Virginia
ATTORNEYS AT LAW
PO Box 115220
Carrollton, Texas 75011-5220

July 26, 2016

Noelle D Johnson
2915 W Lehigh Ave
Philadelphia, PA 19132

Original Creditor: Columbus Bank And Trust
Midland Funding LLC v. Noelle D Johnson
Cause No. SC-08-07-15-542 in the , Philadelphia County, PA

Current Balance: $1,912.79
Our File No.: [redacted]

Dear Noelle D Johnson:

Per your request, we have verified the above-referenced debt. Based upon our review, we have determined (a) that you are the correct Noelle D Johnson who is the debtor in the Columbus Bank And Trust Account, (b) that the debt described remains due and owing, and (c) that the amount set forth in our previous communication reflects the balance of the obligation after all payments, credits and offsets have been applied.

Attached, please find related account document(s).

If you have any questions or need further assistance, please do not hesitate to call.

Sincerely,

Scott & Associates, PC

LEGAL NOTICE

IN ACCORDANCE WITH 15 U.S.C. 1692E(11), PLEASE BE ADVISED THAT THIS COMMUNICATION IS FROM A DEBT COLLECTOR, THAT THE PURPOSE OF THIS LETTER IS TO COLLECT A DEBT, AND THAT ANY INFORMATION WHICH YOU PROVIDE MAY BE USED BY THE FIRM FOR THAT PURPOSE.

SCOTT & ASSOCIATES, PC
Tel: (866) 298-3155 ● PO Box 115220, Carrollton, Texas 75011 ● Fax: (214) 234-8454

"B"

Field	Field Data
Issuer_Account_Number	[redacted]
Sale Amount	1164.57
Account_chg_off_date	[redacted]619
Datelastpaid	20061204
Debtor_ssn	****[redacted]
Account_chg_off_bal	1164.57
Debtor_firstname	NOELLE D
Debtor_lastname	JOHNSON
Debtor_ad1	2915 W LEHIGH AVE
Debtor_city	PHILADELPHIA
Debtor_state	PA
Debtor_zip	19132
Home_phone	0000000000
Business_phone	[redacted]
Account_open_date	[redacted]
Credit_bureau_referral_name	ASPIRE VISA
Orig_lendEr	COLUMBUS BANK AND TRUST

Data printed by Midland Credit Management, Inc. from electronic records provided by Jefferson Capital Systems, LLC pursuant to the Bill of Sale / Assignment of Accounts transferred on or about 8/10/2007 in connection with the sale of accounts from Jefferson Capital Systems, LLC to Midland Funding LLC.

EXHIBIT C

PHILADELPHIA MUNICIPAL COURT
Office of the Deputy Court Administrator
1339 Chestnut Street, 10th Floor, Philadelphia, PA 19107
215-686-2910
09/28/2016

Marsha H. Neifield
President Judge

Patricia R. McDermott
Deputy Court Administrator

Claim No: SC-08-07-15-5425

MIDLAND FUNDING LLC, DBA ASSIGNEE OF ASPIRE

NOELLE D JOHNSON
2915 W LEHIGH AVE
PHILADELPHIA, PA 19132

vs.

NOELLE D JOHNSON

NOTICE OF CONTINUANCE

This is to advise you that the case indicated above, which was continued by the Court on 09/28/2016, is now listed for a hearing on 10/17/2016, in Courtroom 1339 Chestnut Street 6th Floor Philadelphia, PA 19107 Hearing Room: 2 at 09:15 AM. At which time, you must be present.

If you fail to appear, judgment will be entered against you by default.

Patricia R. McDermott
Deputy Court Administrator

PHILADELPHIA MUNICIPAL COURT
Office of the Deputy Court Administrator
1339 Chestnut Street, 10th Floor, Philadelphia, PA 19107
215-686-2910
09/28/2016

Marsha H. Neifield
President Judge

Patricia R. McDermott
Deputy Court Administrator

Claim No: SC-08-07-15-5425

MIDLAND FUNDING LLC, DBA ASSIGNEE OF ASPIRE

AMY F DOYLE, ESQ
11 East Market Street Suite 102
York, PA 17401

vs.

NOELLE D JOHNSON

NOTICE OF CONTINUANCE

This is to advise you that the case indicated above, which was continued by the Court on 09/28/2016, is now listed for a hearing on 10/17/2016, in Courtroom 1339 Chestnut Street 6th Floor Philadelphia, PA 19107 Hearing Room: 2 at 09:15 AM. At which time, you must be present.

If you fail to appear, judgment will be entered against you by default.

Patricia R. McDermott
Deputy Court Administrator

EXHIBIT D

PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
1339 Chestnut Street, 10th Floor, Philadelphia, PA 19107
Marsha H. Neifield, President Judge Patricia R. McDermott, Deputy Court Administrator

SC-08-07-15-5425

MIDLAND FUNDING LLC AKA/DBA: ASSIGNEE OF ASPIRE 8875 AERO DRIVE SAN DIEGO, CA 92123 *Plaintiff*	NOELLE D JOHNSON 2915 W LEHIGH AVE PHILADELPHIA, PA 19132 *Defendant(s)*

MICHAEL B VOLK
Plaintiff/Attorney
Attorney # 088553

Address & Phone 6 KASEY COURT, SUITE 203
MECHANICSBURG, PA 17055
866-563-0809

ORDER

AND NOW, to wit this 17th day of October, 2016, upon consideration of the above captioned complaint, it is hereby ordered and decreed that the above captioned case be marked as follows:

Judgment for Defendant by Default.

The previous disposition of Judgment for Plaintiff by Default entered on 09/02/2008 has been vacated. The description of that disposition was: Judgment for Plaintiff by Default. Judgment in the amount of $1,164.57, plus $72.64 Interest, plus $62.00 Costs for a Total Amount due of $1,299.21. Entered 09/02/2008 10:30 AM.

DISPOSITION GIVEN BY THE COMMISSIONER D.N.

BY THE COURT:

[signature]
D. NELSON (M. DAVIS-BROOKS) **J.**

51 (07/09/01)

EXHIBIT E

SCOTT & ASSOCIATES PC

LICENSED IN AL, AZ, CA, DC, MD, MS, NY, PA, SC, TN, TX, & VA

ATTORNEYS AT LAW

Mailing Address:
PO Box 115220
Carrollton, Texas 75011-5220

Home Office:
1120 Metrocrest Dr., Suite 100
Carrollton, Texas 75006-5862

Toll Free: (866) 298-3155
Hours of Operation (CST)
Monday-Friday: 8:00AM-6:00PM
helpdesk@spalaw.com

January 4, 2017

Re:	Judgment Owed To:	Midland Funding LLC
	Original Creditor:	Columbus Bank And Trust
	Judgment Balance:	$1,948.61
	Our File Number:	MCM-[redacted]

SETTLEMENT OFFER

Dear Ms. Johnson,

Midland Funding LLC obtained a **JUDGMENT** against you. Today, the balance owed is $1,948.61.

Further, State law allows Midland Funding LLC to:

- File a ***Lien*** on your real property
- Conduct Post-Judgment Discovery
- Ask the court to ***attach money in your bank and/or savings account and to order the bank to pay it to*** Midland Funding LLC.

YOU SHOULD NOT IGNORE THIS JUDGMENT.

Midland Funding LLC is aware that times are tough; they would like the opportunity to work with you to resolve this matter.

**PLEASE ACT ON ONE OF THE SETTLEMENT OPTIONS BELOW
AND CALL US TO HELP YOU RESOLVE THIS MATTER**

Call (800) 570-3499

*** This law firm is a debt collector attempting to collect a debt. Any information obtained will be used for that purpose.**

PAYMENT COUPON

CCSMJSP01STL-102_309742007

* * * Please Detach the Lower Portion and Return with your Payment in the Enclosed Envelope * * *

PO Box 113297
Carrollton TX 75011-3297

ADDRESS SERVICE REQUESTED

January 4, 2017

Noelle D Johnson
2915 W Lehigh Ave
Philadelphia PA 19132-1811

Our File No.: MCM-[redacted]

__I am enclosing $1,656.32 to settle this Judgment
__I will pay $162.38 per month towards this Judgment and my first payment is enclosed.
__I would like to be contacted about this Judgment
My Phone Number is: (____) ________________.

Please make your check payable to:
Michael J Scott, P.C. -- IOLTA Account

Scott & Associates, PC
Attorneys at Law
PO Box 113297
Carrollton TX 75011-3297

EXHIBIT F

Jan 11. 2017

Dear Scott & Associates:

I received another letter from you dated January 4, 2017 in which you are trying to collect money for Midland Funding

Please stop contacting me. There is no judgment against me and I don't owe any money on this account.

Noelle Johnson
File # MCM-[redacted]

"E"